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Attorneys for PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MOHIT NARAYAN, HANNA RAHAWI,
THOMAS HEATH and UGO IHEONU, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

EGL, INC., a Texas Corporation; CEVA Freight,
LLC, a Delaware Corporation, and DOES 2-10,
inclusive,

Defendants.

CLASS ACTION

No. C05-04181 RMW

**STIPULATION AND
ORDER RE LIMITED STAY OF
ORDER DENYING CLASS
CERTIFICATION TO TOLL
STATUTE OF LIMITATIONS**

STIPULATION AND ORDER RE LIMITED STAY OF ORDER DENYING CLASS
CERTIFICATION TO TOLL STATUTE OF LIMITATIONS

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WHEREAS, Plaintiffs initially filed this case on September 12, 2005 as a class action.

WHEREAS, Plaintiffs filed a motion for class certification on September 26, 2011 in which they sought to represent the following class:

All persons who are or have operated as pick-up and delivery drivers for defendants EGL, Inc. and/or CEVA Freight, LLC in the State of California under an "independent contractor services" contract or similar written contract (referred to as "Drivers") during the period from September 12, 2001 through October 16, 2011.

WHEREAS, the Court heard the class certification motion on March 30, 2012 and took the matter under submission.

WHEREAS the Court issued its Order Denying Motion for Class Certification on September 7, 2012 ("Order Denying Class Certification") on the grounds that "plaintiffs have failed to show predominance under Rule 23(b)(3)." Dkt. No. 228, 5:20-22.

WHEREAS Plaintiffs filed a Petition for Permission to Appeal from the Order Denying Class Certification pursuant to Federal Rule of Civil Procedure Rule 23(f) ("Rule 23(f)Petition") with the Ninth Circuit on September 21, 2012. See Dkt. No. 230.

WHEREAS putative class members in this matter may need to intervene or file their own actions in order to toll the statute of limitations on the claims that had been averred on their behalf in this action.

WHEREAS, while the Rule 23 Petition is pending in this matter, the parties wish to avoid the burdens associated with individual putative class members pursuing intervention and commencement of new actions and to avoid burdening this Court and other courts with such litigation.

The parties HEREBY STIPULATE AND REQUEST that the Order Denying Class Certification be stayed *nunc pro tunc* to September 7, 2012, only insofar as that order may affect the running of the statute of limitations on the putative class members' individual claims that mirror the class claims averred in the Second Amended Complaint, Dkt. No. 149, and that such

1 stay extend until, but no longer than, the date on which the Ninth Circuit Court of Appeals issues
2 its ruling on the Rule 23(f) petition in this matter.

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4 DATED: September 26, 2012.

LEONARD CARDER, LLP

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6 By /s/ Aaron Kaufmann
AARON KAUFMANN
7 Attorneys for Plaintiffs

8 DATED: September 26, 2012.

HUNTON & WILLIAMS

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10 By /s/ Fraser McAlpine
FRASER A. McALPINE
11 Attorneys for Defendants

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13 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that this Court's Order
14 Denying Class Certification is stayed *nunc pro tunc* to September 7, 2012, only insofar as that
15 order may affect the running of the statute of limitations on the putative class members' individual
16 claims that mirror the class claims averred in the Second Amended Complaint, Dkt. No. 149.
17 Such stay shall extend until the date on which the Ninth Circuit Court of Appeals issues its ruling
18 on the Rule 23(f) petition in this matter.

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21 DATED: ~~Feb~~, 2012.

22 By Ronald M. Whyte
23 HONORABLE RONALD M. WHYTE
24 UNITED STATES DISTRICT COURT
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